

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BETTY ANNE WATERS, as
Administratrix of the Estate of
KENNETH WATERS,
Plaintiff,

v.

TOWN OF AYER, NANCY TAYLOR-
HARRIS, in her individual capacity,
ARTHUR BOISSEAU, in his individual
capacity, BUDDY DECOT, in his
individual capacity, WILLIAM
ADAMSON, in his individual capacity,
PHILIP L. CONNORS, in his individual
capacity, an JOHN DOE AND JANE
DOES 1-16, in their individual capacities,
Defendants.

C.A. No. 04-10521-GAO

**MIDDLESEX DISTRICT ATTORNEY'S OFFICE'S RESPONSE TO
PLAINTIFF'S AUGUST 16, 2006 MOTION TO COMPEL**

The Keeper of the Record for the Middlesex District Attorney's Office ("Middlesex D.A."), a non-party, through counsel, states that the Middlesex D.A. agrees to allow the use of those documents identified in plaintiff's August 16, 2006 motion to compel (Bates Nos. 1148; 1160; 1169; 1172; 1177; 1191; 1415; 1427-37; 1498; 1500; 1676; 1748; 1771; 1776-80; 1782; 1784-90¹; 1791-1805; 2246-63A; 2273-75; 2276-88; 2385; 2386; 2392-93; 2409-11; 3114-16; 3121-22; 3123-25), subject to this Court's September 23, 2005 protective order. In providing these documents, the Middlesex D.A. waives its deliberative process privilege only as to the

¹Although the plaintiff includes document Bates No. 1783 in its motion to compel, the Middlesex D.A. does not agree to the use of that document. That document is a note dated June 21, 2001 and is exempted from discovery by this Court's September 15 and October 3, 2005 orders.

documents identified herein and not as to any other matter. Copies of those documents were sent², first class mail, to counsel for the plaintiff and defendants on September 15, 2006. As such, further response to the plaintiff's motion to compel is unnecessary. If further response is deemed necessary by this Court, the Middlesex D.A. respectfully requests an opportunity to respond.

Respectfully submitted,

MIDDLESEX COUNTY DISTRICT
ATTORNEY'S OFFICE,

By their attorneys,

THOMAS F. REILLY,
ATTORNEY GENERAL

/s/Jonathan M. Ofilos
Jonathan M. Ofilos
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200, ext. 2634
BBO # 658091

Dated: September 15, 2006

² Document Bates No. 2409 was redacted to remove telephone numbers of the victim's family.

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 15, 2006.

/s/ Jonathan Ofilos
Jonathan Ofilos